

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MICHAEL PACK, aka Peaches,

Plaintiff,

v.

STANLEY BUTKOWSKI, Medical Physican
Wende Corr Fac., NYSDOC, et al.,

Defendants.

DECISION & ORDER

07-CV-6344L

Plaintiff has filed a *pro se* complaint under 42 U.S.C. § 1983 and has requested appointment of counsel pursuant to 28 U.S.C. § 1951(e)(1). This Court is required to see that all litigants receive proper representation of counsel under the criteria set forth in *Cooper v. A. Sargenti Co.*, 877 F.2d 170 (2d Cir. 1989), and *Hodge v. Police Officers*, 802 F.2d 58 (2d Cir. 1986). In addition, courts have the inherent authority to assign counsel to represent private indigent litigants. *See In re Smiley*, 36 N.Y.2d 433, 438 (1975).

Accordingly, the Court assigns Bradley P. Kammholz, Esq. of The Kammholz Law Firm, 1387 Fairport Road, Suite 620, Fairport, New York 14450, *pro bono*, to faithfully and diligently represent plaintiff in this case.

The Clerk of the Court is directed to copy the entire file in this matter and send it to Bradley P. Kammholz, Esq., together with a copy of this Order and the Guidelines Governing Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed

Counsel.¹ The Chief Judge of the Court will also issue an Order directing PACER to waive its fees so pro bono counsel can access and print at no cost to him or his firm any other documents filed herein that he may need.

A status conference will be held with the undersigned at 2310 U.S. Courthouse, Rochester, New York on **May 8, 2008**, at **11:00 a.m.**, to discuss the status of the case.

IT IS SO ORDERED.

s/Marian W. Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
April 4, 2008

¹ This information and the forms are also available on the Court's website at the Attorney Information link from the homepage located at <http://www.nywd.uscourts.gov/document/fundreimbvoweb.pdf>.